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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,487	04/12/2004	Peter Oosterhoff	P-11071.01	3020
27581	7590	08/08/2006	EXAMINER	
MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			HELLER, TAMMIE K	
			ART UNIT	PAPER NUMBER
			3766	
DATE MAILED: 08/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <sup>c</sup>
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10822487

EXAMINER
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ART UNIT	PAPER
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20060807

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Commissioner for Patents

### **DETAILED ACTION**

1. The amendment is found to be non-responsive for the reasons set forth below.
  - a. Applicant has thus far failed to respond to the provisional statutory double patenting rejection which was made against claims 1-30 as claiming the same invention as claims 1-14 and 16-31 of copending Application No. 10/424,585 in the previous two Office Actions.
  - b. In the reply filed July 28, 2006, Applicant submits claims 1-31 and corresponding arguments. However, Applicant has heretofore only filed 30 claims in the application. Claim 15 is newly added and previously presented claims 15-30 are erroneously re-numbered 16-31. It appears that Applicant mistakenly filed the amendment for Application No. 10/424,585 for the current application.

Appropriate correction is required. The Applicant has One Month to respond to the above issues.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammie Heller whose telephone number is 571-272-1986. The examiner can normally be reached on Monday through Friday from 7am until 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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